

U.S.-RP extradition treaty benefits both countries

“The U.S.-Philippine extradition treaty is working, both countries are implementing it seriously, and both are benefiting from it,” according to a fact sheet released by the U.S. Embassy in Manila through its website on November 19. The fact sheet said that since 1997 each country successfully recovered about one of every three persons whom it sought for extradition. The completion and speed of the extradition process, according to the Embassy, depends not only on the decisions of the two governments, but also on the decision of the accused to either waive or exercise his right to challenge the extradition case before the court, on the court’s decision to grant or deny the contested extradition request, and on the parties’ decision to appeal.

Following is the U.S. Embassy fact sheet on the extradition treaty:

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The U.S.-Philippines extradition treaty: Implementation and accomplishments

1. From 1997 until the present date, the United States and the Philippines have filed with each other a total of 39 extradition cases. Of these, the U.S. filed 23 cases (59%), while the Philippines filed 16 cases (41%). This breakdown is not surprising given the much larger population in the United States.
2. Both countries have obtained the extradition of wanted persons under the treaty. The U.S. has extradited five persons to the Philippines, while the latter has extradited nine to the United States. Numerically, more people had been extradited to the U.S. than to the Philippines. In terms of proportion, however, successful extradition occurred at closely similar rates for both countries.

	Filed by RP	Filed by U.S.
Total cases filed	16	23
Completed	5	9
% of total cases	31.25	39.13
Completed-to-total ratio	1 : 3.2	1 : 2.5

3. All nine persons who were extradited from the Philippines to the U.S. had waived their right to challenge their extradition case in court. In contrast, of the five who were extradited to the Philippines, only three waived that right, while the remaining number contested their cases before the court but lost. An extradition is completed quickly when the wanted person waives his right to a court hearing. Conversely, the process takes longer when that case is brought before the court.
4. In case a court rules against an extradition request, the country that filed the extradition request has the right to appeal the ruling, hence the extradition case is

considered to be pending. The pending category also includes cases where the wanted person has not yet been apprehended, or has been apprehended but has not waived his rights or is awaiting a local court's decision.

	Filed by RP	Filed by U.S.
Extraditions denied by court	1	1
Waived, pending transport	1	-
Other pending cases	9	13
Total pending cases	11	14

5. Numerically, there are more extradition requests pending with the Philippines (14 cases) than with the U.S. (11 cases). As a percentage of the total cases filed, however, the proportions of pending cases are similar for the two countries.

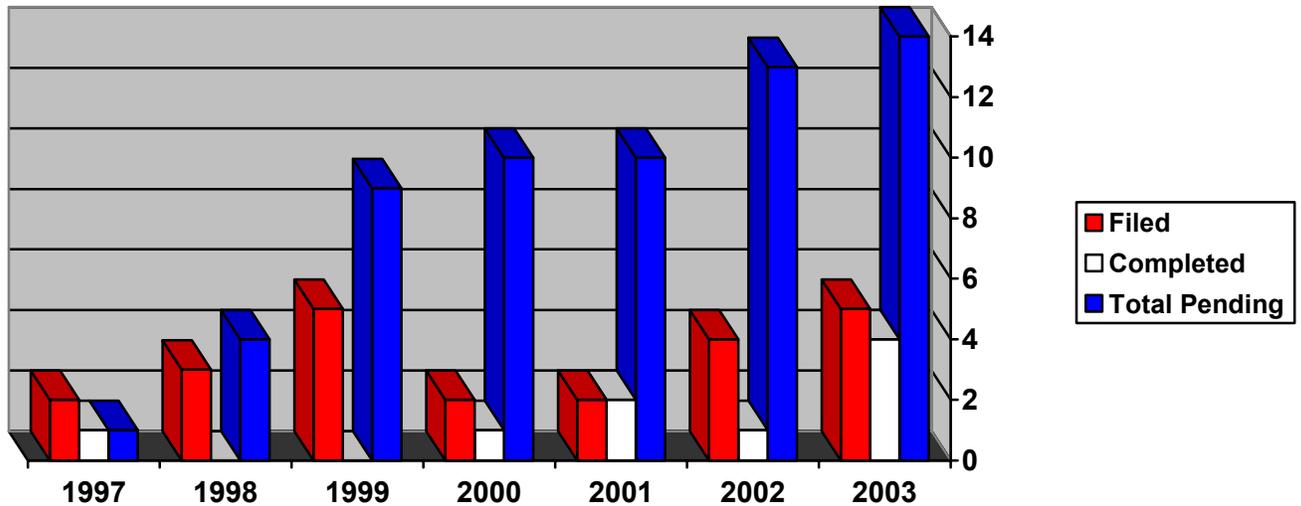
	Filed by RP	Filed by U.S.
Total cases filed	16	23
Pending	11	14
% of total cases	68.75	60.87
Pending-to-total cases ratio	1 : 1.45	1 : 1.64

6. The extradition treaty governs the return of a person to the country where he has been formally and legally accused of an extraditable crime. Deciding the guilt or innocence of the accused, or deciding whether the country requesting the extradition has enough legal grounds and evidence to tie the accused to the alleged crime, is not a function of the treaty, nor of decisions by the executive branches of the concerned governments; rather, it remains under the sole authority of the treaty parties' courts. When a proper court denies an extradition request, the governments of the United States and the Philippines are bound to stop the extradition process, unless and until an appeal reverses the court judgment.

7. In brief, the U.S.-Philippine extradition treaty is working, both countries are implementing it seriously, and both are benefiting from it.\

US EMBASSY MANILA EXTRADITION SCORECARD 1997-PRESENT

RP to US Extraditions



RP to USA Extradition Completed

COMPLETED	FILED	OFFENSE	JURISDICTION
2003 Oct - waived	2002	Murder	Reno, NV
2003 Oct - waived	2000	Child molestation	San Mateo, CA
2003 May - waived	2002	Forgery, bank fraud	Guam
2003 May - waived	1999	Insurance fraud	Los Angeles Ca.
2002 Dec - waived	1999	Campaign fraud, tax evasion	Florida
1997 Oct - waived	1997	Murder	California
2000 - waived	2000	Sexual assault on a minor	California
2001 - waived	1998	Fraud	California
2001 - waived	2001	Attempted murder, mayhem	California

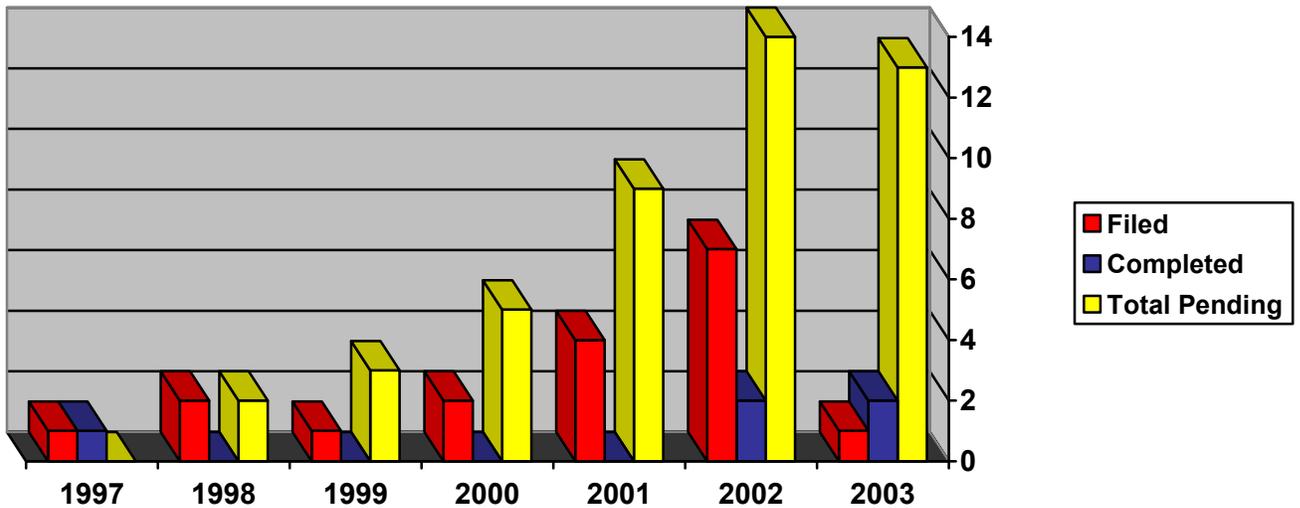
RP to USA Extradition Pending

FILED	OFFENSE	JURISDICTION	NOTES
2003	Sexual assault	Florida	
2003	Drug distribution	Pennsylvania	
2003	Health care fraud	California	
2003	Murder	California	
2003	Murder	California	
2002	Drug conspiracy	Guam	
2002	Mail fraud	Wisconsin	
2001	Murder	California	
1999	Fraud and bribery	California	

RP to USA Extradition Pending (continued)

1999	Murder	Illinois	Request Denied
1999	Illegal coral export	Florida	
1998	Murder	California	
1998	Attempted murder	California	
1997	Murder	California	

US to RP Extraditions



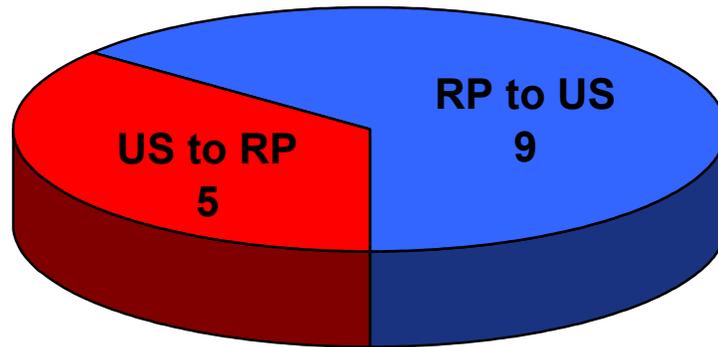
US to RP Extradition Completed

COMPLETED	FILED	OFFENSE
Waived 2003 May	2000	Fraud
Waived 2003 May	2000	Fraud
Waived 1997	1994	Fraud
Granted 2002	1998	Homicide
Granted 2002	2001	Double homicide

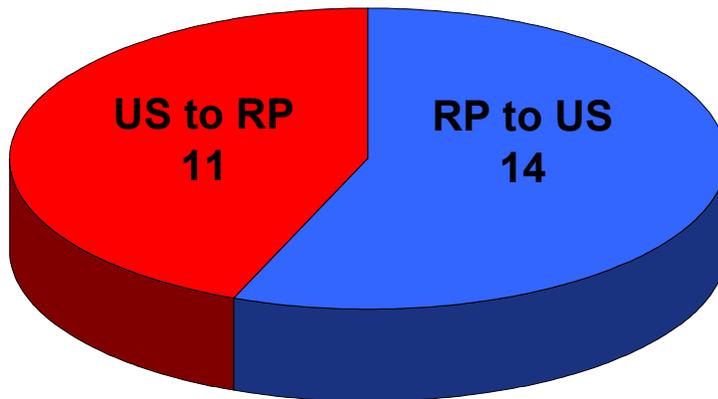
US to RP Extradition Pending

FILED	OFFENSE	NOTES
2003	Murder	Request Denied Nov. 03
2002	Fraud	
2002	Attempted homicide	
2002	Fraud	
2002	Plunder	Fugitive in the US
2002	Theft	Waived, pending transport RP
2001	Plunder	
2001	Murder	
2001	Plunder	Fugitive in the US
1999	Fraud	Fugitive in the US
1998	Sexual assault of a minor	Fugitive in the US

Extradition Cases Completed



Extradition Cases Pending



Total Extradition Cases

